

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to emergency vehicle certificates  
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 451, “Emergency Vehicle Certificate,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.451(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.231(2) to 321.231(4) and 321.451 as amended by 2022 Iowa Acts, Senate File 333, sections 2, 3 and 9, and sections 321.231(3A), 321.231A, and 321.324A(3A) as enacted by 2022 Iowa Acts, Senate File 333, sections 4, 5 and 7, respectively.

*Purpose and Summary*

This proposed rule making conforms Chapter 451 with 2022 Iowa Acts, Senate File 333. This legislation adds the following to the list of vehicles eligible under Iowa Code section 321.451 for a certificate of designation as an authorized emergency vehicle by the Department:

1. A vehicle privately owned by a certified chief or certified fire officer of a volunteer fire department, a fire department comprised of volunteer and paid members, or a nonprofit corporation delivering emergency services to a municipality under contract. The owner of the vehicle must provide proof of certification as a fire officer.
2. A vehicle privately owned by a chief, medical director, or certified medical provider of an authorized emergency medical service.

Prior to the Department approving an application, additional requirements for these categories of vehicles include that the owner must have completed an emergency vehicle operations course approved by either the Fire Service Training Bureau or the Department of Public Health as applicable, and that the owner must provide proof of financial liability coverage or risk pool coverage.

The proposed amendments provide that a person seeking an authorized emergency vehicle certificate must meet the requirements set forth under Iowa Code section 321.451 as amended by Senate File 333, section 9, and in addition these amendments expand the permitted operations of an authorized emergency vehicle to allow the driver of an authorized emergency vehicle to operate the vehicle during parades, events and funeral processions as identified in newly enacted Iowa Code sections 321.231A and 321.324A. The proposed amendments also align the Department’s authority to deny an application or revoke a certificate of designation with the amended and additional requirements for operation of an authorized emergency vehicle.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 20, 2022. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on December 22, 2022, via conference call at 10:30 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 20, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—451.2(321) as follows:

#### **761—451.2(321) Authorized emergency vehicle certificate.**

**451.2(1) Application.** Application for a certificate which designates a privately owned vehicle as an authorized emergency vehicle shall be submitted to the motor vehicle division in the form and manner prescribed by the department. The department shall deny an application if the applicant does not establish for the department that the vehicle will be used as an authorized emergency vehicle, as described in Iowa Code section 321.451 as amended by 2022 Iowa Acts, Senate File 333, section 9, ~~or~~ that the vehicle does not otherwise demonstrate necessity for the designation, ~~or that the applicant does not meet the criteria for issuance of a certificate established by Iowa Code section 321.451 as amended by 2022 Iowa Acts, Senate File 333, section 9.~~

**451.2(2)** No change.

**451.2(3) Limitation.** In addition to the provisions of Iowa Code ~~section~~ sections 321.231(2), 321.231(4) and 321.451 as amended by 2022 Iowa Acts, Senate File 333, sections 2, 3 and 9, and

sections 321.231A and 321.324A(3A) as enacted by 2022 Iowa Acts, Senate File 333, sections 5 and 7, a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:

*a. and b.* No change.

This rule is intended to implement Iowa Code sections 321.231 and 321.451 as amended by 2022 Iowa Acts, Senate File 333, sections 2, 3 and 9, and sections 321.231A and 321.324A(3A) as enacted by 2022 Iowa Acts, Senate File 333, sections 5 and 7.

ITEM 2. Amend rule 761—451.3(17A,321) as follows:

**761—451.3(17A,321) Application denial or certificate revocation.**

**451.3(1)** The department may deny an application or revoke a certificate of designation if an applicant or certificate holder fails to comply with the applicable provisions of this chapter or Iowa Code section 321.231 ~~or~~ as amended by 2022 Iowa Acts, Senate File 333, sections 2 to 4, section 321.451, as amended by 2022 Iowa Acts, Senate File 333, section 9, section 321.231A as enacted by 2022 Iowa Acts, Senate File 333, section 5, or section 321.324A(3A) as enacted by 2022 Iowa Acts, Senate File 333, section 7; or if the certificate holder is no longer eligible for the certificate, or the certificate holder otherwise abuses the certification.

**451.3(2)** No change.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.16, 321.231 ~~and~~ as amended by 2022 Iowa Acts, Senate File 333, sections 2 to 4, 321.451 as amended by 2022 Iowa Acts, Senate File 333, section 9, and sections 321.231A and 321.324A(3A) as enacted by 2022 Iowa Acts, Senate File 333, sections 5 and 7.